

RECORD OF PROCEEDINGS

Golden, Colorado
April 24, 2009

The Board of Trustees met in regular session on April 24, 2009 in the Coors Board Room.

Present: Trustees Cowart, DeFilippo, Fox, Hutson, Nyikos, Spaanstra, Tschatschula and Student Trustee Dubetz. Absent: Faculty Trustee Dorgan.

Also in attendance: President Scoggins, Provost Middleton, Senior Vice President Volpi, Vice Presidents Fox, Poate, and Williams and other staff and visitors.

Trustee Nyikos presided.

Regular Session. The Trustees convened in regular session at 9:20 a.m.

Approval of Minutes. Trustee Spaanstra made a motion, seconded by Trustee Fox, to approve the minutes of the March 6, 2009 meeting as submitted. Motion carried. Trustee Cowart made a motion, seconded by Trustee Fox, to approve the minutes of the March 20, 2009 special meeting as submitted. Motion carried.

Chairman's Report. Trustee Nyikos reported on the meeting of the Colorado School of Mines Foundation Board of Governors on April 2 and 3. Currently, there are nineteen members of the Board, including Trustees Nyikos and Tschatschula. Trustee Nyikos remarked that the School is fortunate to have such a distinguished and dedicated group of volunteers to help move the School into a new age in terms of its finances and fundraising.

Trustee Nyikos reported that Trustees Fox and Hutson appeared before the Senate Education Committee on April 23; their appointments to the Colorado School of Mines Board of Trustees were approved by the committee and will go to the full Senate for confirmation shortly.

Trustee Nyikos also gave a brief update on some energy-related news from the western slope, and thanked the School's public relations staff for sending out the *Mines in the News* email notifications.

Board Committee Reports. Trustee Hutson reported that the Finance and Audit Committee met on April 14. He reported that the bond financing approved at the March 20 special meeting of the Board was executed. He remarked that this refinancing will move the School closer to its target of having half of its debt in fixed rate vehicles.

Trustee Tschatschula reported that the Presidential Evaluation and Compensation Committee will report during the Executive Session.

President's Report. President Scoggins introduced Dr. Steven Castillo, who will assume the position of Provost at Colorado School of Mines on July 1. Dr. Castillo is currently the Dean of Engineering at New Mexico State University.

President Scoggins also introduced the Student Trustee-elect, Mr. Damian Illing. Mr. Illing is pursuing a B.S. in Chemical and Biochemical Engineering and an M.S. in Engineering and Technology Management.

President Scoggins asked Student Trustee Dubetz to give an update on the activities of the Associated Students of Colorado School of Mines. Ms. Dubetz reported on the recent elections and the approval of an increase in the intermodal transportation fee. She also reported on a successful science fair organized for patients at Children's Hospital. President Scoggins congratulated the students on their community service efforts and for the success of E-Days.

President Scoggins commended the Graduate Students Association for organizing another successful Research Fair on April 23.

President Scoggins reported on his trip on March 11 – 13 to Washington, D.C., where he attended an alumni reception and met with members of the congressional delegation and federal agency representatives, including National Science Foundation Director, and Mines alumnus, Dr. Arden Bement.

President Scoggins reported on his trip on March 18 – 20 to Tucson and Phoenix, and his trip on April 15 – 17 to Houston for various alumni events and corporate calls.

President Scoggins reported that Dr. Peter Gleick, president of the Pacific Institute for Studies in Development, Environment, and Security, presented the 2009 Young Environmental Symposium on March 24. Mines alumnus Mr. Herb Young, who established the Symposium with his wife Dodie, passed away in January and Mrs. Young was unable to attend the symposium due to poor health.

President Scoggins remarked that a copy of his response to the Geology Visiting Committee report was included in the board's meeting packet. The response format has been changed to be more similar to an audit report.

President Scoggins reported that the Visiting Committees for Arthur Lakes Library, Environmental Science and Engineering, Metallurgical and Materials Engineering, and Materials Science will be meeting later during the spring semester.

President Scoggins reported that he held a town hall meeting for faculty and staff regarding the budget on April 22 in order to keep the community informed. He reported that the State's budget situation is still very fluid and that the administration is looking at all options.

President Scoggins announced that Dr. Dan Fox has assumed his new role as Vice President for Student Life, following the retirement of Dr. Harold Chevront.

Research Activities. Dr. John Poate provided an update on research activities for the month of February. Dr. Poate reported that research awards are well ahead of where they were last year at this time and may possibly reach \$50M by year end. Dr. Poate highlighted two significant research awards. Dr. Matthew Posewitz received a third installment of an award from Princeton University to continue the collaboration on a renewable bio-solar hydrogen production project. Dr. Cameron

Turner received a \$300,000 grant from the National Science Foundation for research to systematically search design space. Representative Perlmutter was on campus to make a presentation of this award and to tour the laboratories in the General Research Laboratory (GRL). Dr. Poate also remarked that there will be a reception later this afternoon to celebrate the opening of the research laboratories on the third floor of the GRL.

Dr. Poate commented on the success of the Graduate Research Fair. Trustee DeFilippo remarked on the success of the Senior Design Fair and the outstanding quality of the students' work.

Dr. Poate reported that the School is doing all it can to position itself to access funding through the American Recovery and Reinvestment Act.

Financial Report. Senior Vice President Volpi reviewed the *Statement of Net Assets*, *Statement of Revenue and Expenses* and the *Statement of Cash Flows* for the period ending March 31. Ms. Volpi reported that the School's cash position is still strong, due to higher than anticipated revenue from research and tuition and fees and measures put in place to control expenditures. At this point, Ms. Volpi anticipates ending the fiscal year with a \$1.9M positive balance; additionally, it is possible the School may receive \$850K through the American Recovery and Reinvestment Act. Trustee Tschatschula commended the administration for taking early action on this issue and for effectively managing the parts of the budget under our control.

Approval of Degree Candidates. Provost Middleton presented the candidates to receive degrees at the May 8, 2009 commencement ceremony. Trustee Fox made a motion, seconded by Trustee DeFilippo, to approve the following resolution:

BE IT RESOLVED that the Board of Trustees of the Colorado School of Mines approves the award of degrees to the candidates named in the attached graduation lists for May 2009.

Motion carried.

Approval of Red Flag Rule Policy. Senior Vice President Volpi presented information on the Red Flag Rule issued by the Federal Trade Commission (FTC) and federal banking agencies for creditors to reduce the risk of identity theft. Because the School defers payment for goods or services through various loan programs and a tuition payment plan, the FTC considers it a creditor. A campus committee was convened to develop a Red Flag Rule program to address the requirements of the FTC rules. After review and discussion of the proposed program, Trustee Spaanstra made a motion, seconded by Trustee Fox, to approve the following resolution:

BE IT RESOLVED that the Board of Trustees of the Colorado School of Mines hereby approves of the Red Flag Rule Program to be effective immediately.

Motion carried.

Exempting out of the State Procurement Code. Senior Vice President Volpi provided background on the School's recommendation to opt out of the state procurement code. In 2005 the state passed legislation allowing governing boards of each higher education institution the option of exempting out from the statewide fleet management, risk management, and procurement code programs. The School previously opted out of the state's fleet management system and for the past three years has been assessing the option of opting out of the procurement code and implementing

its own procurement code. After discussion of the advantages and disadvantages of opting out of the state procurement code, Trustee DeFilippo made a motion, seconded by Trustee Hutson, to approve the following resolution:

BE IT RESOLVED that the Board of Trustees of the Colorado School of Mines hereby approves of the School's Procurement Code. By this approval, the School will be exempted from the rules and regulations of the State Procurement Code effective June 1, 2009.

Motion carried, with Trustees Cowart and Fox opposed.

Approval of Donor Recognition. Vice President Williams reported that the Hugh and Michelle Harvey Family Foundation has made a \$10M gift to the School, the largest gift to endowment in the School's history. The Harvey Scholars program will help recruit top students to the School, beginning in the fall of 2009. The gift will be announced at the Graduation Banquet on May 7 and there will be a comprehensive recognition program implemented in the fall. Trustee DeFilippo made a motion, seconded by Trustee Hutson, to approve the following resolution of appreciation:

Inasmuch as the Hugh and Michelle Harvey Family Foundation has made a \$10,000,000 gift to establish the Harvey Scholars Program at Colorado School of Mines; and

Inasmuch as this is the largest single gift to endowment in the School's history; and

Inasmuch as the Harvey Scholars Program focuses on the School's strategy to continue to sharpen Mines' distinction in undergraduate education; and

Inasmuch as Hugh Harvey has been a loyal, supportive and involved alumnus of Colorado School of Mines; therefore

BE IT RESOLVED that the Board of Trustees of Colorado School of Mines hereby extends its heartfelt appreciation to Mr. Hugh and Mrs. Michelle Harvey for their transformational contribution to the advancement of Colorado School of Mines.

Motion carried.

Faculty Handbook Recommendations. Provost Middleton introduced the proposed changes to the Faculty Handbook resulting from the work of the Faculty Handbook Committee during academic year 2008/09. The most substantial change is a complete revision of the intellectual property policy, for which Dr. Middleton commended the Committee. The proposed changes have been reviewed by the campus community and the faculty are supportive of the proposed change to the intellectual property policy. The proposed changes will be on the agenda of the June 5 board meeting for approval.

Regular Written Reports. Ms. Boyd, director of enrollment management, provided an updated undergraduate admissions report. With 821 committed students as of April 15, the School is on target to reach its revised enrollment goal of 950 students for Fall 2009.

Faculty Senate President McKinnon reported that there are thirteen faculty members running for six open seats on the 2009/10 Faculty Senate.

Other Business. President Scoggins recognized the outstanding contributions of Dr. Harold Chevront, who is retiring after many years of service as Vice President for Student Life; President Scoggins also commended Student Trustee Amy Dubetz for her service on the board.

Executive Session. The Trustees went into Executive Session at 11:00 a.m. to receive legal advice pursuant to CRS § 24-6-402 (3) (a) (II), and to discuss a personnel matter and consider promotion and tenure recommendations pursuant to CRS § 24-6-402 (3) (b) (I).

Regular Session. The Trustees reconvened in regular session at 11:40 a.m. and approved the following resolution:

BE IT RESOLVED that the Board of Trustees of the Colorado School of Mines approves the following recommendations of promotion and/or tenure:

Michael Heeley (Economics and Business) - recommend Tenure and promotion to Associate Professor

Ravel Ammerman (Engineering) – recommend promotion to Senior Lecturer

Cristian Ciobanu (Engineering) – recommend Tenure and promotion to Associate Professor

Jinsong Huang (Engineering) – recommend promotion to Associate Research Professor

Huayang Zhu (Engineering) – recommend promotion to Associate Research Professor

Robert Klimek (Liberal Arts & International Studies) – recommend promotion to Senior Lecturer

Heather Whitehead (Library) – recommend promotion to Associate Librarian

G. Gustave Greivel (Mathematical and Computer Sciences) – recommend promotion to Senior Lecturer

Lincoln Carr (Physics) - recommend Tenure and promotion to Associate Professor

P. David Flammer (Physics) – recommend promotion to Assistant Research Professor

There being no further business, the meeting adjourned at 11:45 a.m.

Secretary